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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,792	03/09/2004	Jeffrey Eastman	D-1218 R2	3173
28995	7590	04/06/2006	EXAMINER	
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			KIM, AHSHIK	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,792

Applicant(s)

EASTMAN ET AL.

Examiner

Ahshik Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 9-16 and 30-32 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 17, 26-29, 34, 37, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 3-6, 8, 18-25, 33, 35, 36 and 38 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed on January 17, 2006. In the amendment
5 claims 7-, 9, 11-13, 15, 17, 20, 25, and 27 were amended, and claims 30-40 were newly added.
Currently, claims 1-40 remain in the examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
10 basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

15 3. Claims 1, 2, 17, and 27-29, 34, 37, 39, and 40 are rejected under 35 U.S.C. 102(b) as
being anticipated by Takamatsu (US 4,567,358, hereinafter "Takamatsu").

Re claims 1, 2, 27-39, 34, 37, 39, and 40, Takamatsu discloses an apparatus (see figure 1)
comprising an automated banking machine including a housing 1, an input device in the form of
a keyboard 7 in supporting connection with the housing, a cash dispenser 11 in supporting
20 connection with the housing (col. 2, lines 33+), a deposit envelope holding container 150 (see
figure 8, col. 8, lines 1+) to hold a stack of empty deposit envelopes, a moveable picker means
158 which picks up a single envelope and move the envelope in a first direction toward the
customer and to the outside housing, a stripper L which generally prevent envelopes in the stack
other than the end envelope from moving from the deposit envelope holding container 150. The
25 container has a floor support to engage an end envelope bounding a lower end of the stack (see

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still figure 8). The parts 156 and 157, which make up the frame can be considered transporting means (or one transport) moving the end envelope in the first direction.

Re claim 17, the apparatus is further comprised of an envelope receiving area 169 (see figure 8, col. 8, lines 38+).

5

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

20

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takamatsu (US 4,567,358, hereinafter "Takamatsu") in view of Shepherd (US 6,493,364, hereinafter "Shepherd").

25

The teachings of Takamatsu have been discussed above. Takamatsu fails to specifically teach or fairly suggest that the apparatus is further comprised of a stepper motor in operative

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connection with at least one controller, and the stepper motor is operative connection with the picker member.

Shepherd teaches an ATM machine (see abstract; col. 1, lines 5+) wherein the ATM machine utilizes a stepper motor 42 to control a shutter 34 (col. 3, lines 42+).

5 In view of Shepherd's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was to employ a well-known stepper motor in order to conserve power when apparatus is not in use (at least a component part of the apparatus is not in use). Throughout the document, Takamatsu discloses use of pulse motor 46 (col. 3, lines 29+; col. 4, lines 4+) to operate a shutter, or to provide power to transport inserted cards and so forth. Use of
10 stepper motor which can be operated at different levels would haven an obvious modification one ordinary skill in the art would adopt to conserve energy and reduce unwanted wear and tear to the motor, extending overall life of the apparatus.

Allowable Subject Matter

- 15 7. Claims 30-32, 7, and 9-16 are allowed.
8. Claims 3-6, 8, 18-25, 33, 35, 36, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. The following is a statement of reasons for the indication of allowable subject matter: the
20 claims are directed at automatic banking apparatus such as ATM. The apparatus is comprised of, among other things, envelope storage bin in supporting relating to the apparatus. A single envelope is taken out from the bottom of the bin for the customer's use. The apparatus is further

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comprised of a picker to pick up the envelope, a stripper member generally preventing the envelope stack to maintain the form other than the bottom one, and the transport path delivering the envelope accessible from outside the housing. The resilient stripper is operated by a biasing device. Such device is not disclosed or suggested by the cited references.

5

Response to Arguments

10. Applicant's amended claims and arguments filed on January 17, 2006 have been

10 carefully reviewed and considered.

Upon careful consideration, previously rejected claims 3 and 4 were now objected.

Examiner's interpretation of claim 1, particularly "a deposit envelope container in supporting connection with the housing, the deposit envelope holding container adapted to hold a stack of empty deposit envelopes and having a floor support adapted to engage an end envelope bounding
15 a lower end of the stack" is disclosed by the envelop container 152. The container 152 has the bottom part which is a floor support in contact with an envelope bounding a lower end of the stack. Claim 1 does not suggest that the picker. Considering the container 150 as a single unit, a moveable picker member 158 is adjacent to the container 150. Claim 1 simply states "move the end envelope from the stack in a first direction", and therefore does not claim that the picker is
20 picking up an envelope from the bottom of the stack or a lower side of the end envelope as mentioned in other allowed claims.

The amended claims and remarks describing these elements have been fully considered, but they are not persuasive, and therefore, the Examiner has made this Office Action final.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahshik Kim whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday. The fax number directly to the Examiner is (571)273-2393.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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A handwritten signature in black ink, appearing to read 'AK', is positioned above the printed name.

Ahshik Kim
Primary Examiner
Art Unit 2876
April 3, 2006